

Lessons Learned: Ethical Issues

	Lesson Learned	DCC Handbook	Page	Topic
1	COI rules do not apply to contractor employees, even when they are performing the same work as Government employees (or work similar to that of Government employees) or are working side by side with them.	Chapter 4	55	Working with Contractor Employees
2	Government employees—public servants—are accountable for upholding the public trust. The COR's duties are to the Government.	Chapter 4	55	Working with Contractor Employees
3	Although professional relationships with contractor employees are not prohibited, favoritism and preferential treatment are banned. The COR has a duty to always avoid COIs and even the appearance of COIs.	Chapter 4	55	Working with Contractor Employees
4	In monitoring contractor performance, the COR should avoid interfering with contractor employee relations.	Chapter 4	55	Working with Contractor Employees
5	Human trafficking is actively practiced globally, especially in third-world countries where CORs are most likely operating.	Chapter 4	56	Combating Trafficking in Persons
6	CORs are the first line of defense in the battle against human trafficking. CORs must be aware of how contractors treat their employees.	Chapter 4	56	Combating Trafficking in Persons
7	The contracting officer must ensure that contracts contain language to protect individual rights and to promote the rule of law in the host nation and in the labor recruiting process.	Chapter 4	56	Combating Trafficking in Persons
8	All DoD military personnel, civilian personnel, and contractors must receive mandatory awareness training in trafficking in persons (TIP).	Chapter 4	56	Combating Trafficking in Persons
9	The COR must correct and report any suspected violations or activities to the contracting officer (see FAR Subpart 22.17 and DFARS Subpart 222.17).	Chapter 4	57	Combating Trafficking in Persons
10	DoD has a zero tolerance policy for human trafficking. As the COR monitors the contractor and its employees, CTIP should rank among the COR's chief priorities. Appendix A and the DVD provided in Attachment 1 include CTIP Checklists.	Chapter 4	57	Combating Trafficking in Persons
11	CORs should not personally investigate suspected incidents of TIP, but should forward all reported or suspected violations to the contracting officer immediately.	Chapter 4	57	Combating Trafficking in Persons
12	As a general rule, the Government must fund official travel of a Government employee.	Chapter 4	59	Transportation and Travel
13	Travelling with a contractor can pose a problem. Transportation is acceptable if it is included in a contract between the Government and a contractor.	Chapter 4	59	Transportation and Travel
14	There is no statutory authority for giving commander's coins or similar nonmonetary incentive tokens to contractors; therefore, appropriated funds cannot be used to purchase coins that will be given to people other than Government employees.	Chapter 4	59	Awards and Certificates
15	The Government cannot use certificates to recognize a contractor or individual contractor employees because this could complicate the source selection process on future contracts.	Chapter 4	59	Awards and Certificates
16	Contractors may be recognized through a letter of commendation from the Government to the contractor organization, which can choose in turn to recognize an individual contractor employee.	Chapter 4	59	Awards and Certificates
17	The Procurement Integrity Act prohibits the Government (e.g., a COR) from disclosing contractor bid or proposal information, such as cost or pricing data; indirect costs, direct labor rates, and overhead rates; proprietary information about manufacturing processes, operations, or techniques that is marked as such by the contractor. (see FAR Subpart 3.104-3).	Chapter 4	59	Procurement Integrity
18	Contractor bid or proposal information whose disclosure is not restricted or prohibited, such as information already disclosed or made available to the public; information disclosed by contractors; information disclosed pursuant to a proper request from Congress, the Comptroller General, or the Inspector General if certain conditions are met; see FAR Subparts 3.104-4(f) and 5.403.	Chapter 4	60	Procurement Integrity
19	The Procurement Integrity Act places a 1-year ban on accepting compensation from certain contractors after leaving Federal employment, as discussed in 41 U.S.C. Section 2104 and FAR Subpart 3.104-3(b).	Chapter 4	60	Compensation after Leaving Federal Employment
20	Individuals who violate the Procurement Integrity Act may be subject to criminal and civil penalties: imprisonment of as long as 5 years and up to a \$50,000 fine per violation plus twice the amount of compensation an individual or organization received (or was offered) for the prohibited conduct.	Chapter 4	61	Penalties
21	Unlike Government employees, contractor employees are not required to disclose financial or other personal interests to the Government that might conflict with the responsibilities they are performing on behalf of the Government.	Chapter 4	61	Personal Conflicts of Interest for Contractor Employees

22	The risk associated with personal COIs is directly related to the supplies or services being acquired and the type of contract used to secure the supply or service. The risk increases when contractor employees are involved with subjective judgmental work.	Chapter 4	61	Personal Conflicts of Interest for Contractor Employees
23	The Government, by statute and regulation, has prohibited activity that would improperly influence decision making or would appear to do so. Key areas of concern include organizational conflicts of interest (OCIs), bribery, gratuities, and gifts.	Chapter 4	62	Organizational and Consultant Conflicts of Interest
24	OCIs can occur when a contractor is providing engineering and technical direction or advisory, analysis, assistance, and evaluation services; preparing specifications and work statements; or acting in a capacity that gives the contractor access to proprietary data.	Chapter 4	62	Organizational and Consultant Conflicts of Interest
25	As the Government increasingly partners with industry, the opportunities for an OCI increase. Government personnel must ensure that perceived and actual OCIs do not occur.	Chapter 4	62	Organizational and Consultant Conflicts of Interest
26	Government personnel who are associated with the acquisition process have a responsibility to protect its integrity by maintaining fairness in the Government's treatment of all firms.	Chapter 4	66	Protection of the Integrity of the Acquisition Process
27	Giving a vendor (or vendors) access to information on a particular acquisition (especially the specification or work statement) before such information is available to the business community at large can give the vendor receiving the information an unfair advantage over other vendors.	Chapter 4	66	Protection of the Integrity of the Acquisition Process
28	Intentionally writing an unnecessarily restrictive specification or work statement that would effectively exclude the products or services of a vendor (or increase the prospects for award to another vendor) is an obviously unfair practice. It not only gives an advantage to one or more vendors over others, but also restricts competition and makes it more likely that the Government will ultimately pay a higher price.	Chapter 4	67	Protection of the Integrity of the Acquisition Process